

**COUNCIL MINUTES**  
**NOVEMBER 6, 2013**

The City Council held a meeting on Wednesday, November 06, 2013, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgerson; Public Works Director Ryan Marshall; Officer Jason Thomas; Economic Development Coordinator Danny Stewart; Economic Development Director Brennan Wood; Water Worker II Zane Jones; Water Worker II Allen Davis..

**OTHERS PRESENT:** Betsy Carlile, Melodie Jett, Tom Jett, Heidi Miller, Halle Miller, Maile Wilson, Bev Burgess, Terry Irons, Lisa Blodgett, Daniel Oftedahl, Kyle Oftedahl, Stacey Cooper, Bryce Cooper, Larua Kranzusch, Lisa Pedersen, Doug Hall, Fred Rowley, Tim Beery, Tracie Sullivan, Ciera Cheney, Jeanae Parry, Michael Briano, Max Bowles, Vincent Fava, Mike Hawlk, Kelin Bleazard, Courtney Carpenter, Mckenna Hugh, Killian Akens.

**CALL TO ORDER:** Councilmember Adams gave the opening prayer; the pledge of allegiance was led by Mayor Burgess.

**AGENDA ORDER APPROVAL:** Councilmember Marchant moved to approve the agenda order; second by Councilmember Black; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** ■Mayor – congratulations to the three successful candidates and thanks to all that took part in the process and put their name on the ballot and went through the election process, and put your family names out there. I appreciate all that went through the process. ■Barnes – I want to compliment the community on the RAP Tax to know recreation is important to our community. I put out the plea that I hope the money is considered sacred and spent in ways to benefit all. ■Cozzens – I had someone call me last week wondering about repainting cycling lanes on streets such as 1100 West to 600 South. Mayor – we will look into that. ■Mayor – look at our annual printed schedule of meetings we were not going to meet next week because of the National League of Cities, but since we are not going we will have a meeting next week. ■Marchant – are we not having a birthday party this year? Mayor – we are at the Homestead State Park on Saturday.

**PUBLIC COMMENTS:** ■Tom Jett – we had a real close to hurricane force winds a few weeks ago and our City was a disaster and the following day it looked like the day before the storm, that is how quickly the community rallied and cleaned things up.

**CONSIDER A RESOLUTION APPOINTING HEIDI MILLER AS THE ENVIRONMENTAL CERTIFYING OFFICER FOR THE CDBG BLOCK GRANT – HEIDI MILLER:**

Heidi Miller – in conjunction with the CDBG Grant someone has to be appointed as the Environmental Certifying Officer, I have done it before and would like to do it again since we are the ones that have the grant. The CDBG meeting is tomorrow, I will need a letter from the City. Action.

**REQUEST TO LOWER INSURANCE REQUIREMENT TO \$2 MILLION – FESTIVAL COUNTRY K-9'S, DIANE GIL:**

Lynn Browne – Diane had emergency gallbladder surgery yesterday. We got money from RAP tax for fly ball and agility equipment. Diane has contacted 7 insurance companies, all questioned why \$3 million is needed, it is not industry standard, 3 quoted at \$4,000 a year. We do have insurance at the \$2 million dollar level and that is what is required by the Cedar City Ordinance. We are requesting the \$2 million versus \$3 million. Paul – we put \$3 million because the State adjusts the liability caps and they increase about every other year. We set it to \$3 million because you can only buy in \$1 million blocks. Also you should know that it was set by me in the contract as a way to insulate the City in the greatest extent, most companies we work with rank risk and has a sliding scale so a rodeo is higher rate than a quilting event in the park. We have been trying to qualify all the events, one component is to work with our insurance provider to rank the risks and then we can come to the council with a proposal to adopt a risk matrix because we have a ton of events that come in all the time and \$3 million will be high for all the events. Marchant – if they are having a difficulty getting insurance companies to look at, we should try and work something out. Paul – I set at that rate to cover the City at the maximum rate, I am ok with you lowering it, and it is a fly ball tournament. We purchased the equipment and leased it to these guys, it is the equipment the dogs run through, and there is probably not that much risk. I was reluctant to come down on my own when we don't have anything on the books. Barnes – what is the level for the Ice Rink? Paul – it is \$3 million. There are other options, a \$2 million policy with a rider policy; I don't know what they have explored. Marchant – I don't know what fly ball is. Lynn – it is like a relay between two teams of dogs and they have hurdles to jump over. Mayor – what is the cost at \$2 million? Lynn – we have a \$2 million policy and paid \$700. Rick – we have talked with URMMA to have them develop a matrix and we will have a better idea of what we are doing. Marchant- I appreciate that but we need further discussion. Black – I would recommend that we drop it to \$2 million, but if we find that when the matrix is done that it would be increased then we have them increase it. Paul – it is scheduled to be a multi-year contract. Barnes – I think we should put all these activities in the matrix and not guess with each one individually. Paul – we have a risk with baseball tournaments, but not as much as with the carnivals. Mayor – we have more risk with the skate park. Rick – we can put this on the agenda for next week and then it could change next year.

**CONSIDER RESTORATION OF SICK LEAVE FOR OFFICER JASON THOMAS – RICK HOLMAN:**

Rick - in July Officer Thomas was involved with a suspect and they had an altercation and Jason incurred some injuries. A few years ago the City modified the personnel policy to address with an individual person if assaulted

by another person may restore the employee's sick leave. This is what this item is to restore 69.92 hours to Jason Thomas. Marchant – makes sense to me.

Allen Davis – I have a problem with this; basically it is for one department and not for everyone. We have an individual hurt on the job a few years ago and he applied for it and the Council told him no. It is basically for the Police Department. If you are going to do it then it should be for everyone not just one department. Rick – there is a few other remedies for what Allen described, if an individual has a reduction of sick leave and are in jeopardy other employees can donate sick leave. Also Council can address any employee circumstance independently if they use their sick leave, they can bring it to the Council and the Council can address it.

Chief Allinson – in 2007 we had lengthy discussion and it related to Officer Thomas being shot and we looked what other cities have done in Utah and outside the State. What Mr. Davis said is true, but we fall under that if they are not hurt on the jobs. Police Department and Fire Department if assaulted, shot or attacked while on duty the sick leave should be restored. If it is a deliberate act by an offender it should be restored. Consent.

**CONSIDER A COST REIMBURSEMENT AGREEMENT WITH BERYL SOLAR, CEDAR VALLEY SOLAR AND BUCKHORN SOLAR FOR AN ECONOMIC DEVELOPMENT SOLAR PROJECT FOR PAYMENT OF THE CREATION OF A COMMUNITY DEVELOPMENT AREA (CDA) – BRENNAN**

**WOOD:** Brennan – this is a unique project, it will be a county project through County Renewal Agency, but as the Director of Economic Development I will walk the package through the process. I had to hire an outside law firm to walk it through the County. We are working with Smith Hartvigsen in Salt Lake City, they can create for \$15,000, each entity will pay up to \$5,000, they will pay 50% put front and if any amounts left will be reimbursed. It is unique because of the project being on County property, but it has to go through my office. Mayor – we don't have any risk, but we receive benefit. Brennan – it is a great company, large capital investment and a great benefit to come. Consent

**CONSIDER A RESOLUTION AMENDING THE CITY'S BILLBOARD AND BANNER POLICY – BRENNAN WOOD:**

Brennan – we added more banner brackets so we changed this, companies can request 82 banners, before it was 36. The fee will have to change because the work has doubled. It is \$50 to \$150 for the 36. We will have to change the fee schedule also. Black – what is the length of time the banners are up? Brennan – it is 6 weeks, but if no one else has applied they can be up multiple times. We will probably have to double the costs for 82 banners. Black – do we have our guys do it for liability? Paul – there is liability and a speech issue, the speech will be the City speech, it gives us more control. There are venues where we don't have control over what people say such as in the streets, but the banners we can control what goes on, how they look at what they say. Mayor – it would be impractical if individuals did it because of the insurance. Action.

**CEDAR CITY STYLE GUIDE – DANNY STEWART & BRENNAN WOOD:**

Danny – we will only address the changes. Brennan – the purpose we talked about the individuals to be on the committee, we are recommending the City Manager, a representative of the Council, Economic Development Office and the Leisure Services Director. Danny – we feel it is the group that will use this most. Barnes – a female representative should be on that committee, to have gender strength. We will add the Mayor to that committee. Danny – on page 5 there is a notation on the Golf Course logo. Stationery, we looked at letterhead and envelopes as well as business cards there are two options. Signage, our thought is we want to be consistent even though they will be placed on various locations, we want the brand to be an asset to the community, and the committee will look at each sign individually. Brennan – there was discussion about a green sign. Each sign will have its own uniqueness that is where the committee comes in, we will keep the general theme, and this is the direction we are leaning toward. Barnes – over the years on the P&R Committee there have been discussion on uniformity, but the parks have all gone to green colors. Marchant – the other colors are blue and to maintain consistence, blue is more consistent. Barnes – we have spent a lot of money on Parks, we should grandfather the parks, I don't think it will take away from the branding. Brennan – once the people see the park as blue they know it is still a park. We will take your recommendation, but we strongly feel we stay with a specific theme. Danny – we have not taken into consideration the color of the equipment at the parks, we should keep it consistent. Barnes – I can see keeping it consistent, I thought we were taking what we have and incorporate it and they play into it. Brennan – the poles are still green, half of the signs are park signs and half are not. There are a lot of greens out there. Dan has asked for money from the TRT to change some of the signs. Barnes – when I look at the blue sign on the green poles, I take offense that it does not match, I think it is critical; we need to take time and make sure it is right. The green with the blue sign does not set well, we could go to a consultant, I think the color is critical. Danny – we look at the logo and how much money has been invested in the elements. We kept the sun rays and the mountains, we changed the logo to Cedar City instead of Festival City USA. If you look at the web site it is blue with design elements. We just want some consistency in what we have with the logo. Marchant feels we need to maintain the blue color throughout, the design is there, and the guide is in place. When we change the color it defeats the whole purpose. Barnes – I disagree because we have the green in the light fixtures, the fencing. Brennan – we want to lead people to the red rock not the poles for the signs. Barnes – we have put the green intentionally for 6 years. Brennan – that is not in the scope, there can be green. Barnes – the sign should complement what is existing, it is green, red and blue, blue is a male color and is more masculine, I would appeal broader. I would like other opinions, survey or talk with someone that has the color design background, don't change the logo, but incorporate the green.

Tom Jett – I am a neutral minded individual, I can't tell you the wall colors at my home. Society has changed over the past 50 years when blue was boy and pink was girl. Society has changed and I am not sure people look at colors as blue for boy and pink is girl, we just way we like a color. There are not a lot of ladies involved that I respect more than Nina, but I don't think it should be gender. Barnes – I would like the conversation from someone with expertise in the color area. Mayor – I think we go with what is

recommended and go with the consensus of the council. We can spend time and get more ideas. Barnes – can I just ask for a sample with a touch of green to tie into the parks, a touch of green around the yellow or something, an accent of green when there is a green facility, where we have invested in the green color? Marchant – if we are making a new sign what difference does it make, we should maintain the integrity. Brennan – we can bring it back with a green element. Danny – if the green is close to blue it doesn't work, but if we separate it that may work. Mayor – only areas that have green already incorporated. Brennan – is there a location you have in mind? Barnes – look at the ball fields by the Aquatic Center.


Danny – we showed the apparel square and round. With vehicles I talked with Fleet Maintenance for larger logos, and where we do use departments they can be made larger. This will come back on November 20<sup>th</sup>.

**DISCUSS SIGN ORDINANCE:** Rick – in previous meetings there have been concerns mentioned about off premise signs noticed and Larry has made an effort to gather those up. The concern is the amount of time it takes to get rid of the signs. We want some direction from the Council if we want to pursue the off premise signs and if you have shorter time frame to recommend to Planning Commission. Staff will work up alternatives based on the information we get from you tonight. Cozzens – Larry is in charge of the sign ordinance and they don't have the time to deal with this. There were signs all over town advertising a company in St. George. I would like to change it from 14 day notice to 24 hours and have Code Enforcement play a part in that. Rick – we have methods for different type of signs. I called the manager twice and they blamed their marketing group. One option Paul suggested beside the notice is to allow our employees to pick them up and then we can notify the companies and let them know we have picked them up. Barnes – with a fine. We will take it to the Planning Commission to make recommendations. Chief – I know the signs, keep in mind that we have businesses that put signs on the sidewalk that is not allowed. Identify in the ordinance what you want us to do. Paul – right now the sign ordinance does not allow off premise advertising. If a business man owned State Bank and put a sign up under the score board at Cedar High that is off premise advertising. All the signs at the ball parks and golf course are off premise signs. Would you be amenable to define that better? Rick – if we want to talk about sponsorships different we can include that in the recommendation. We don't have problems with the sponsorships. Council – change it to allow sponsorships. Cozzens – I don't have a problem with "A" frame signs in front of a building. Paul – they are prohibited in the ordinance and UDOT prohibits them on Main Street. Barnes – if in violation of the ordinance they should be picked up.

Tom Jett – I have looked at the sign issue and have called 500 cities about their sign ordinances and sign ordinances are changing as a result of technology. Our off premise sign ordinance is a result of 50 years ago thought patterns and the signs were eyesores because they were not maintained. Technology has changed so much; it needs to be a more global discussion. I don't believe this issue should be decided without in-depth discussion on how it can benefit the city. I would hope it would be discussed more before it goes to Planning Commission. I appreciate sponsorships and Paul is correct that

they are in violation, but it is not the spirit of the ordinance. It brings attention to businesses that are not on Main Street such as a restaurant on 100 West. Before you say pass it on I hope there is a much larger discussion. Rick – the Planning Commission would be a reasonable forum to have that discussion. Paul – UDOT provisions are in the State Code and the City has to enforce it, and it is difficult. We had incidents where UDOT has put a lot of pressure on us to take care of the signs. Rick – our initial approach for illegal signs would be to ask them to move them before we take them. Mayor – we have tried, some comply and some don't. Cozzens – if we don't crack down on out of town people bringing in signs it will get worse. Barnes – the Downtown in years past was such an issue and we worked hard to get that, I hate seeing the signs in the downtown area. We have allowed some to push it and some not. Bring back in 2 weeks.

**ADJOURN:** Councilmember Marchant moved to adjourn at 6:40 p.m.; second by Councilmember Adams; vote unanimous.

  
Renon Savage, CMC  
City Recorder